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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/689,017	10/12/2000	James A. Salomon	F-152	6163

919 7590 07/14/2004

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EXAMINER

AZARIAN, SEYED H

ART UNIT	PAPER NUMBER
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2625

DATE MAILED: 07/14/2004

70

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/689,017

Applicant(s)

SALOMON, JAMES A.

Examiner

Seyed Azarian

Art Unit

2625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 May 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 10-15 is/are allowed.
- 6) ☒ Claim(s) 1, 2 and 7-9 is/are rejected.
- 7) ☒ Claim(s) 3-6 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 October 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. In view of the appeal brief filed on 10/ 28/ 2002, PROSECUTION IS HEREBY REOPENED. A new ground of rejection is set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

- (a) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,
- (b) request reinstatement of the appeal.

If reinstatement of the appeal is requested, such request must be accompanied by a

supplemental appeal brief, but no new amendments, affidavits (37 CFR 1.130, 1.131 or 1.132) or

other evidence are permitted. See 37 CFR 1.193(b)(2).

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-2 and 7-9, are rejected under 35 U.S.C. 103(a) as being unpatentable over Moore (U.S. patent 5,917,925) in view of Costanza et al (U.S. patent 5,900,901).

Regarding claim 1, Moore discloses a system for dispensing, verifying and tracking postage and other information on mail pieces, comprising the step of:

(a) Providing one or more error compensation marks in the proximity of the symbology region such that the error compensation marks are caused to exhibit changes indicative of the defect of the symbology region (column 19, lines 6-24, detection step using camera and marking error occurs, also column 12, lines 5-19, the illuminated symbol is captured by the camera and column 23, lines 32-42, mail piece package module has received its indicia marking also column 5, lines 51-64, if the printed indicia is different from that provided by the CPU an error signal is activated to alert the operator. This is important when the piece is marked with an encrypted matrix which, as an example may include postage rate and a destination code before an actual destination has been assigned to that destination code to ensure correctly).

However Moore is silent about "detecting the changes in the error compensation marks in order to compensate for the defect of the symbology region ". On the other hand Costanza et al in the same field of scanning teaches compensation blocks, and determine the amount of position error resulting from the error or deviation detected by position deviation detection (column 6, lines 38-56).

Therefore it would have been obvious to one having ordinary skill in the art at the time of the invention was made, to modify Moore invention according to the teaching of Costanza because it provides system capable of monitoring and compensating for motion error in a raster-based image output terminal in order to reduce visually perceptible image artifacts created by position errors to improve and achieves accuracy, which can easily be implemented in an scanning device such as mail processing machine.

Regarding claim 2, Moore discloses the method, wherein the symbology region includes an OCR character region (column 23, lines 38-45, CCD camera).

Regarding claim 7, Moore discloses the method, wherein the error compensation marks include at least one graphic image for identifying the defect of the OCR character region caused by irregularities in the postage indicium producing device (column 20, lines 13-21, refer to graphic symbols).

Regarding claim 8, Moore discloses the method of claim 1, wherein the postage indicium producing device is an inkjet printer having at least one row of inkjet nozzles to apply ink droplets onto the mail piece, wherein the irregularities in the indicium producing device are related to missing ink droplets applied by the inkjet nozzles (column 21, lines 1-11, indicia marks to the mail pieces uses a typical ink jet printer).

Regarding claim 9, recite similar limitation as claim 5 and is similarly analyzed.

Allowable Subject Matter

4. Claims 3-6, are objected as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitation of the base claim and any intervening claims.

Allowable claims

5. Claims 10-15 are allowable.

6. The following is an examiner's statement of reasons for allowance.

The claim 10 is allowable due to the third mechanism, responsive to the data, for detecting the changes in the error compensation marks and for providing a signal indicative of the changes and a fourth mechanism, responsive to the signal, for compensating for the defect in the symbology, according to the detected changes in the error compensation marks.

The closest prior art of record (Moore) teaches system for dispensing, verifying and tracking postage and other information on mail pieces. But does not teach or suggest detecting the changes in the error compensation marks and for providing a signal indicative of the changes.

These key features in combination with other features of the claimed invention are neither taught nor suggested by the art of record.

Other prior art cited

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. patent (4,198,656) to Mathisen is cited for video sequencer.

U.S. patent (6,271,884) to Chung et al is cited for image flicker reduction with fluorescent lighting.

U.S. patent (6,202,165) to Pine is cited for photonic distribution method and apparatus for electronic systems.

U.S. patent (6,661,846) to Ota is cited for adaptive clocking mechanism for digital video decoder.

U.S. patent (6,714,260) to Pine is cited for monolithic generation of RF for wireless transmission of video.

U.S. patent (6,252,850) to Lauret is cited for adaptive digital clock recovery.

Contact Information

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Seyed Azarian whose telephone number is (703) 306-5907. The examiner can normally be reached on Monday through Thursday from 6:00 a.m. to 7:30 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bhavesh Mehta, can be reached at (703) 308-5246. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application information Retrieval (PAIR) system. Status information for published application may be obtained from either Private PAIR or Public PAIR.

Status information about the PAIR system, see [http:// pair-direct.uspto.gov](http://pair-direct.uspto.gov). Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Seyed Azarian

Patent Examiner

Group Art Unit 2625

July 5, 2004



BHAVESH M. MEHTA
SUPERVISOR, PATENT EXAMINER
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